In the High Court of Judicature at Madras

Dated: 05.03.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Appeal No.441 of 2004

1.The Inspector General of
Registration, Santhome High Road,
Madras-28.

2.The Special Deputy Collector,
(Stamps), Madras-1.

3.The Sub Registrar,
Velacherry, Vijaya Nagar,
Madras-42. .. Appellants
(Respondents 1 to 3)

Vs

1.Narasingapuram Extension
Welfare Association,
rep. by its Vice-President.
2.Pa.Periyaswamy
3.S.Kolappapillai
4.S.Natarajapillai
5.S.Bose
6.M.Devarajan
7.K.Arjunan
8.S.Abubaker
9.C.Valliammal
10.G.Elangovan
11.M.P.Govindaswamy
12.A.Santhakumar
13.O.S.Kamalanathan
14.K.Natarajan
15.M.Natarajan
16.M.Sekar
17.P.A.Madhavan
18.K.Divakaran
19.U.Malleshwari
20.Babu
21.P.Krishnan
22.S.Arumugam
23.G.Sundaramoorthy

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24.V.Krishnaveni
25.V.Nithiyanandam
26.K.Babu
27.U.Rajagopal
28.L.Parvathy Ammal
29.K.Suseela
R4 to R31 impleaded as per
the order dated 01.07.2002 in
WPMP No.14089/2002 .. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the judgment dated 30.09.2003 made in W.P.No.1548 of 2001. Petition presented under Article 226 of the Constitution of India, to issue a writ of certioarified Mandamus, calling of the records on the file of the Second and first respondents in proceedings No. A1/114/99 dated 08.12.2000 and in proceedings NO. 29/66/E2/2000 dated 13.11.2000 and quash the same as illegal incompetent and without jurisdiction and to direct the third respondent to return the document presented by the members of the petitioners Association after Registration.

For Appellant : Mr.P.Subramanian,
Government Advocate

For 1st Respondent : Mr.V.Lakshmi Narayanan

For respondents 2 to 28 : No appearance

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM,J.)

The above writ appeal is directed against the order of the learned single Judge dated 30.09.2003 made in W.P.No.1548 of 2001, in and by which, the learned Judge, following the earlier decision of this Court viz., 2001 (2) MLJ 458(The District Collector, Erode District, Erode and others Vs. M.Ponnusamy), has allowed the writ petition as prayed for.

2.The learned Government Advocate appearing for the appellants fairly states that though the State has filed appeal against the decision in 2001 (2) MLJ 458 (The District Collector, Erode District, Erode and others Vs. M.Ponnusamy, subsequently, the same was withdrawn. It is clear that the Division Bench decision stands as on today. In addition to the same, the learned Government Advocate brought to our notice that respondents 2 to 16, 18, 20 to 22, 24 to 26, 28 and 29 had availed "Samadhan Scheme" and settled the amount. He also brought to our notice that respondents 17 and 23 have paid the full amount as

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determined by the competent authority.

3. In such circumstances we have to consider the case of respondents 19 and 27.

4. In view of the fact that the State though filed appeal before the Supreme Court, did not pursue the same and in view of the fact that most of the respondents have availed the Samadhan Scheme, we are of the view that the writ appeal filed by the State has to be dismissed in view of the earlier Division Bench decision cited above. Accordingly, the writ appeal is dismissed. No costs.

Raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To
1.The Inspector General of
Registration, Santhome High Road,
Madras-28.

2.The Special Deputy Collector,
(Stamps), Madras-1.

3.The Sub Registrar,
Velacherry, Vijaya Nagar,
Madras-42.

+ one cc to Mr. V. Raghavachari, Advocate sr no. 13304
+ one cc to the Government Pleader sr no. 13527

KLT(CO)
NM(14.03.07)

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